

UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Joint Application of Scandinavian Airlines System and Icelandair
for Approval of and Antitrust Immunity for
a Cooperation Agreement under 49 U.S.C. §§ 41308 and 41309
Docket OST-2000-7248-4

NOTICE

On April 13, 2000, Scandinavian Airlines System ("SAS"), and Icelandair, and their respective affiliates, filed a joint application for approval of and antitrust immunity for a cooperation agreement.

SAS (on April 19) and Icelandair (on April 21) submitted additional documents and information in connection with the application and filed motions under 14 C.F.R. 302.12 of our regulations requesting confidential treatment for this material. They maintain that the material contains documents that are proprietary, commercially sensitive, and confidential in nature which qualifies for being withheld from public disclosure. For this material, SAS and Icelandair ask that access be limited to counsel and outside experts for interested parties who have filed appropriate affidavits, consistent with 14 C.F.R. § 302.12(d)(3). The motions were unopposed.¹

As an initial matter, we find that the application is now substantially complete.² Therefore, in order to provide all interested parties sufficient time to analyze adequately and comment fully on all material in the public and non-public record, under conditions agreed to by the Joint Applicants and imposed by the Department under similar recent circumstances,³ we will grant immediate interim access to all documents covered by the Rule 12 Motions to counsel and outside experts for interested parties who file appropriate affidavits with the Department in advance. Moreover, we find it appropriate to grant interim access to any subsequent materials filed in this docket under a Rule 12 Motion to counsel and outside experts for interested parties who have filed appropriate affidavits with the Department in advance, unless the party filing the motion objects. Finally, we will require that answers to the application be filed no later than 21 days from the service date of this notice, and that replies be filed no later than 7 business days after the last day for filing an answer.

¹ We will rule on the merits of the Rule 12 Motions by subsequent order.

² However, we reserve the right to require the filing of additional information deemed relevant to the proceeding at any time.

³ See Notice in Docket OST-1999-6528 dated January 7, 2000.

We expect all affidavits to state, at a minimum, that (1) the affiant is counsel for an interested party or an outside independent expert providing services to such a party; (2) the affiant will use the information only for the purpose of participating in this proceeding; and (3) the affiant will disclose such information only to other persons who have filed a valid affidavit in Docket OST-2000-7248. Affiants and interested parties must understand and agree that any pleading or other filing that includes or discusses information contained in the covered documents must itself be accompanied by a Rule 12 motion requesting confidential treatment. Affidavits must be filed in Docket OST-2000-7248 with the Department of Transportation, Dockets, Room PL-401, 400 Seventh Street, S.W., Washington, D.C., 20590.

Affiants having filed affidavits may examine the documents at the Department of Transportation at the Dockets location. Affiants must present a stamped copy of the affidavit filed with the Department of Transportation before examination of the documents.

We shall serve a copy of this notice on all persons on the service list in this docket.

By:

A. BRADLEY MIMS
Acting Assistant Secretary for Aviation
and International Affairs

Dated: June 21, 2000

(SEAL)

*An electronic version of this document is available on the World Wide Web at:
http://www.dot.gov/reports/reports_aviation.asp*